interest of public health, act in a liaison capacity with the state and local health units and perform any duties assigned to it by said board not inconsistent with the provisions of this Act."

In view of the foregoing provisions of Indiana law it is my opinion that the necessary legislation now exists designating the State Board of Health as the sole agency for carrying out the purposes of Section 601 (a), supra, that the board has full authority to comply with the provisions of this act, and that the creation of the Indiana Advisory Council is a full compliance with the requirement of Section 612 (a) (2).

It is further my opinion that Chapter 101, Acts of 1945, and Chapter 89, Acts of 1945, supra, constitute the sole statutory authority for the making of a hospital inventory and survey and the development of a hospital program in the State of Indiana.

It is my recommendation, however, that Chapter 101 be appropriately broadened in scope by legislative action in order that there be no question concerning the authority of the State Board of Health to participate in the construction phases of Public Law No. 725.

OFFICIAL OPINION NO. 87
September 23, 1946.

Hon. Griffith Morris,
Bureau of Mines and Mining,
Division of Labor,
State House Annex, Room 9,
102 North Senate Avenue,
Indianapolis 4, Indiana.

Dear Sir:

Your letter concerning mine maps requests an official opinion on the following question:

"A certain land owner in Pike County, Indiana, has demanded that I make or cause to be made, Maps of Mines adjoining his property. I refused to comply with his wishes on the grounds that I had no jurisdiction
over Mines employing ten (10) men or less. My predecessors have evidently taken the same stand.

"I would like to know if I am correct in my position."

Section 40-2134 Burns' 1945 Supplement, same being Section 5, Chapter 334, Acts 1945 provides in part as follows:

"The following boards and bureaus are hereby created within the division of labor:

"(a) The bureau of mines and mining;
"* * *

Section 40-2136 Burns' 1945 Supplement, being Section 6, Chapter 334, Acts of 1945, provides in part as follows:

"The officer who is in charge of a bureau shall be known as the Director. Each bureau shall be under the immediate charge of a director under the supervision of the commissioner or under the immediate charge of the commissioner. * * *

Section 40-2137 Burns' 1945 Supplement, same being Section 7, Chapter 334, Acts of 1945, provides as follows:

"All of the rights, powers and duties conferred by law on the department of mines and mining, when not otherwise in conflict with any of the provisions of this act (§§ 40-2131—40-2151), are hereby continued in full force and effect and are hereby transferred to and conferred upon the division of labor, as created by this act, and shall be held, exercised and performed by the division of labor under the provisions of this act (§§ 40-2131—40-2151)."

Since the rights, powers and duties previously conferred by law upon the department of Mines and Mining were transferred to the Department of Labor, and the Director of the Bureau of Mines and Mining under the foregoing Act, it is necessary to determine what authority or duties were by the aforesaid Acts so transferred.

The Department of Mines and Mining was created by Section 46-101 et seq. Burns' 1933, same being Chapter 42 of the Acts of 1923. Section 1 of said Act created the department;
Section 2 of said Act vested the powers and duties of the department in a board to be appointed by the Governor; and Section 3 of said Act authorized the Governor to appoint a Chief Mine Inspector who in turn was authorized to employ such assistants as may be necessary to carry on the work of said board. Section 4 of said Act provided that the Department of Mines and Mining shall have the power and it shall be its duty "to execute and administer the laws of this state concerning coal mines; * * *"

Section 46-702 Burns' 1933, same being Section 2, Chapter 177, Acts 1923, is a section of the statute requiring operators of all coal mines to furnish maps of the extent of such operation and on their failure requires the Chief Inspector of Mines to appoint a competent mining engineer to make such survey and maps. While the body of said law presumably applies to all mines, except strip mines, it is to be noted that in Section 46-1108 Burns' 1933, same being Section 25 of said Chapter 177 of the Acts of 1923 as amended by Section 4, Chapter 171, Acts of 1925, it is provided:

"The provisions of this act shall not apply to any mine that does not employ ten (10) or more men, except that it shall be unlawful to use or operate any gasoline propelled engine or machinery inside any mine in this state."

It is further pointed out that the title of Chapter 177 of the Acts of 1923, supra, reads: "An Act concerning coal mines", and in the body of the Act in substance adopts the identical language previously contained in Chapter 50 of the Acts of 1905 as far as the law governing the question here involved is concerned. Section 20 of Chapter 50 of the Acts of 1905 also contained the following exception: "* * * The provisions of this law shall apply to all mines except to mines employing less than ten men. * * *" The 1905 Act has been held not to apply to mines employing less than ten men.


I am therefore of the opinion the Director of the Bureau of Mines and Mining of this State is not required to make or cause to be made maps of mines employing less than ten men.